REMARKS

Claims 2 and 8 are independent and stand rejected under 35 U.S.C. § 103 as being unpatentable over Anderson '137 ("Anderson") in view of Erlichman '301 ("Erlichman"). This rejection is respectfully traversed for the following reasons.

Claim 2 recites in pertinent part, "wherein image data corresponding to a series of images which are captured consecutively by the imager includes an image which, *once stored on the image memory after being compressed and transferred to the display memory after being expanded*, is transferred from the image memory to the storage medium while the image is presented by the display based on the image stored on the display memory" (emphasis added). Claim 8 recites a similar feature in method format. One exemplary embodiment of such a configuration is illustrated in Figures 1 and 5 of Applicants' drawings. For example, an image is once stored on the image memory 3 after being compressed by the compressor/expander 2 and then transferred to and stored on the display memory 5 after being expanded. According to one aspect of the present invention, such a configuration can make it possible for the image to be transferred from the image memory 3 to the storage medium 8 while the image is being displayed by the display 6 based on the data in the display memory 5.

The Examiner admits that Anderson does not disclose or suggest that the image is transferred from the image memory to the storage medium while the image is presented by the display, and therefore relies on Erlichman as allegedly obviating the admitted deficiency of Anderson. However, even assuming *arguendo* proper, it is respectfully submitted that the proposed combination does not disclose or suggest claims 2 and 8 as amended. Specifically, as noted by the Examiner, Erlichman discloses that memory 20 provides electronic image signals to

the magnetic recording and playback device 26 for recording while providing the electronic image signals to the display panel 24.

However, the electronic image signals are supplied to the display panel ***for live viewing*** in which the displayed image is only one that ***is being captured through a lens***. Accordingly, the proposed combination does not suggest "an image which, *once stored on the image memory after being compressed and transferred to the display memory after being expanded*, is transferred from the image memory to the storage medium while the image is presented by the display." That is, the alleged display image of Erlichman is a live feed rather than an image that was stored on the image memory after being compressed and transferred to the display memory after being expanded. Indeed, Erlichman does not suggest the claimed storage pattern and is unrelated to such a configuration. Erlichman is directed merely to a broadcast of the image via real-time processing (live feed).

Accordingly, the proposed combination would simply result in a live feed of the image, whereby the displayed image is not once stored on the image memory after being compressed and transferred to the display memory after being expanded. Accordingly, the proposed combination can not realize one of the inventive effects which can be obtainable by the present invention, namely, the review of consecutive shots without waiting until the image data, representing those shots, has been completely transferred to the storage medium.

The Examiner is directed to MPEP § 2143.03 under the section entitled "All Claim Limitations Must Be Taught or Suggested", which sets forth the applicable standard for establishing obviousness under § 103:

> To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (citing *In re Royka*, 180 USPQ 580 (CCPA 1974)).

In the instant case, the pending rejection does not "establish *prima facie* obviousness of [the] claimed invention" as recited in claims 2 and 8 because the proposed combination fails the "all the claim limitations" standard required under § 103.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claims 2 and 8 are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejections under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Ramyar M. Farid
Registration No. 46,692

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 RMF:MaM
Facsimile: 202.756.8087
Date: July 12, 2007

Please recognize our Customer No. 53080 as our correspondence address.